

March 11, 2002

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, DC**

Petition of

Air Carrier Association of America,
Cargo Airline Association,
National Air Carrier Association, and the
Regional Airline Association,

To extend the comment period concerning the rule for
Aviation Security Infrastructure Fees for 30 days.

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) Docket No. TSA-2002-11334
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PETITION FOR EXTENSION OF COMMENT PERIOD

The Air Carrier Association of America (ACAA), the Cargo Airline Association (CAA), the National Air Carrier Association (NACA) and the Regional Airline Association (RAA), hereinafter referred to as “the Petitioners”, hereby jointly request a 30-day extension, until April 17, 2002, to file Comments with respect to the payment for TSA services.¹ In support of this request, Petitioners state as follows:

By publication in the February 20, 2002, edition of the *Federal Register*, Vol. 67, No. 34, pp. 7925-7938, the Transportation Security Administration (TSA) published Interim Final Rules with respect to the establishment and payment of Aviation Security Infrastructure Fees. These fees would be in addition to the September 11 Security Fees imposed on passengers and would be intended to help defray TSA costs of provided aviation security services. Although the Interim Final Rule was effective on February 18, 2002, interested parties were given until March 18, 2002, to file comments on the proposed fee structure.

¹ The Petitioners together represent virtually the entirety of the United States commercial airline industry.

Given the complexity of the Interim Final Rule, it is unreasonable to expect that air carriers will be able to thoroughly analyze the operational and financial impact of the proposed regulations in the proposed comment period. Further, the rule requires the collection and reporting of detailed data that may not be easily retrievable for some passenger and charter airlines. It has become apparent that there remain significant questions and potential issues with respect to the implementation of the rule. Moreover, the personnel involved in the review of the fee structure are the same personnel who are currently engaged in other security-related issues making a response by March 18 virtually impossible. In order adequately to respond to the issues identified, a short additional time period for comment is absolutely necessary. The Petitioners therefore respectfully request an additional 30 days to file comments.. The industry requires additional time to provide insightful, useful, and accurate comments to the Department of Transportation on this subject.

While the issue will be fully addressed in industry comments, the complexity of the rules, coupled with the current financial plight of the passenger carriers, make the payment of the initial fees by the May 31, 2002, deadline problematical at best. The industry has not recovered from the economic fallout of September 11 and is not expected to do so until at least 2003. While we recognize the need for the industry to compensate TSA for its services not covered by the September 11 Passenger Fee, those payments should not be made until all outstanding issues are resolved, a Final Rule issued, and a reasonable time given to permit carriers to plan for the then-required payments.

Thank you for your consideration of this request for extension of the comment period.

Respectfully submitted,
AIR CARRIER ASSOCIATION OF AMERICA
CARGO AIRLINE ASSOCIATION
NATIONAL AIR CARRIER ASSOCIATION
REGIONAL AIRLINE ASSOCIATION